

REMARKS

This is in response to the final rejection dated October 22, 2009. Applicant has amended the application as set forth above. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1-9 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Objection to Abstract

The abstract was objected to by the Examiner because of informalities. In response, Applicant has amended the abstract to meet the written requirements.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,147,059 ("Olsen") in view of U.S. Patent No. 3,858,742 ("Grussen").

Applicant respectfully disagrees with the Examiner but has amended Claims 1 and 2 to clarify the inventive points.

Claim 1 of the Instant Application (Emphasis added)

A one touch-type container stopper, comprising:

a hermetically sealing part having a plurality of first supporting protrusions at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth of the container, the sealing part being fitted around the mouth to seal the container, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut; and

a cover part having a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a plurality of second supporting protrusions at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part, the cover part being positioned outside of the sealing part,

wherein the second supporting protrusions are connected to one another through a band member.

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly,

wherein the band member is constructed to be broken when the second supporting protrusions are expanded due to an external force and thus tension larger than a predetermined threshold is exerted on the band member.

Claim 1 of the instant application is directed to a one touch type stopper and a container. The one touch type container stopper includes a hermetically sealing part (110) having a plurality of first supporting protrusions (111), a cover part (120) having a hinge part (121), a plurality of second supporting protrusions (122) connected to the first supporting protrusions (111) through the hinge part (121). The sealing is obtained by engaging of the first supporting protrusions (111) of the stopper and the first catching projection (210) of the container. (See Figs. 2, 3, and 5)

In contrast, Olsen discloses a seal with automatic release, which includes a fulcrum rib (50), an arcuate edge (52), a series of vent-defining projections or protuberances (42), a circular central section (20), an annular lever section (22), an annular imperforate side wall (28), an outer edge (26), and a seal concavity (30). (See Figs. 4 and 5)

The sealing in Olsen is provided by the seal concavity (30) of the inner face of the side wall (28) receiving the outer rim edge (16) of the bowl (12). And the fulcrum rib (50) works just as a fulcrum for the annular lever section (22). (See Fig. 8; col. 3, lines 43-53, and col. 4, lines 47-61)

Therefore, when the Examiner stated *“the sealing part (50) being fitted around the mouth (14) to seal the container,”* Applicant respectfully disagrees with the Examiner.

In Olsen's seal, the element (50) is a "fulcrum rib" for the lever section (22). That is, the element (50) is used in order to lift the side wall (28) by pushing down the lever section (22). That is exactly why the element (50) is called a "fulcrum rib." Since the lower tip of the fulcrum rib (50) does not extend all the way down to the rim (14), sealing *cannot* be obtained anyway. (See Fig. 7)

Also, Applicant respectfully points out that Fig. 8 of Olsen shows the very moment when the circular central section (20) is pushed down to open the cap, which is the only moment when the element (50, fulcrum rib) touches the rim (14). In other words, in Olsen's seal, the protuberance (42) and the arcuate edge (52) along with the fulcrum rib (50) participated "venting", but *not* sealing. (See Figs. 5-7: col. 5, lines 2-25)

Therefore, Applicant respectfully submits:

- i) the lower arcuate edge (52) of Olsen does *not* teach or suggest the first supporting protrusions (111) of the present invention;
- ii) the vent-defining projections (42) of Olsen does *not* teach or suggest the second supporting protrusions (122) of the present invention; and
- iii) the fulcrum rib (50) of Olsen does *not* seal the container.

In the disclosure of Olsen, the arcuate edge (52), the series of vent-defining projections or protuberances (42), and the outer edge (26) cannot teach first supporting protrusions (111), second supporting protrusions (122), and the hinge part (121) of the present invention.

In addition, Applicant respectfully submits that Olsen does *not* teach or suggest any structure such as a hollow portion (112) and a band member (123).

Grussen does *not* cure the above deficiencies of Olsen. For the same reasons, Applicant submits that Claims 2-6 are *not* obvious over Olsen in view of Grussen. Applicant respectfully requests withdrawal of the rejections to Claims 1-6.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Olsen in view of Grussen and further in view of U.S. Patent No. 4,500,006 ("La Fortuna"). Applicant respectfully disagrees with the Examiner. Still, Applicant has amended Claims 7 and 8 for clarifying the inventive points of the present invention.

As discussed above with regard to Claims 1 and 2, Olsen and Grussen do *not* teach or suggest the inventive points of the present invention, and La Fortuna does *not* cure the deficiencies of Olsen and Grussen.

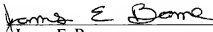
Therefore, Applicant respectfully submits that Olsen, Grussen, La Fortuna, or their combination does *not* teach or suggest the amended Claims 7-9. Withdrawal of the rejections is requested respectfully.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-9 are in condition for allowance, and such action is respectfully solicited, if required, under the *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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